

ORGANIZING AND OPERATING A DISTRIBUTION SYSTEM

Title 73 Chapter-5, Utah Code Annotated, 1953, as amended

1. Decision to create a system

1. Upon a written request from one or more of the water users
2. The state engineer will consult with the water users
 - Discuss the nature of the problem
 - Examine possible solutions
3. If the S.E. determines that a commissioner is needed a distribution system will be organized along the following lines:

2. Water Users

- a) Organization - type up to water users with the following basic features
 1. All water users represented
 - Small systems -directly
 - Large systems - by committee representative
 2. Chairman (at least) ; committee (up to water users)
 3. One water user - one vote
- b) Makes a recommendation to State Engineer concerning the person who should serve as the commissioner
 1. S.E. to accept majority recommendation if competent
 2. Water users petition court for removal of commissioner
- c) Determines other duties to be performed by the commissioner in addition to those required by the State Engineer.
 1. Special measurements
 2. Reports to water users during the season
 3. Adjusting/setting headgates or instructing water masters/users
 4. Cleaning headgates / diversions
- d) Sets the distribution system budget
 - 1 - commissioner salary, expenses, and benefits
 - 2 - operation and maintenance funds
 - 3 - equipment purchases
- e) Each water right holder is assessed
 1. Non-payment
 - Order to cease the use of water / close and lock headgate
 - Collection process through AG's Office; possible lien - water right
- f) Each water user will be required to install an adequate, lockable headgate and measuring device
 1. Location and design acceptable to S.E.
 2. Non-compliance
 - Order to cease the use of water / close diversion

3. State Engineer

- a) Determines boundaries of the system
- b) Determines types of rights to be included (ground water & surface water)

- c) Holds annual meetings with water users
 - 1. Schedules and mails notices to water users / committee
 - 2. Meeting conducted by system chairman
 - 3. Minutes taken by system secretary (copies to DWR)
- d) Appoints Commissioner
 - On year appointment - April first each year
 - May remove the commissioner for cause
- e) Determines basis of assessment
 - 1. Based on water rights
 - Set percentage of total assessment each year
 - could have assessment classes to account for priority
 - 2. Based on water use in previous year
- f) Collects assessments from water users
 - 1. Delinquent penalties
 - 2. Follows up on non-payment
- g) Pays the commissioner's salary and the expenses of operating the system
 - 1. Based on budget set by water users
 - 2. Check with chairman if expense will go over budget
- h) Oversees the distribution of water
 - 1 - provides priority schedules
 - 2 - interprets water rights and court decrees
 - 3 - issues notices and distribution orders
 - 4 - instigates legal action
 - Illegal use of water
 - Non-payment of assessment
 - 5 - makes periodic inspections headgates & measuring devices

DISCUSS PREVIOUS YR
FINANCIAL REPORT
COMM. REPORT
COMING YEAR
BUDGET/ASSESSMENT
COMM. REC.

4. Water Commissioner

- a) Measures water
 - 1 - to determine quantity available for distribution
 - 2 - to assure proper distribution
- b) Distributes water according to instructions from the State Engineer
 - 1. Frequency of trips determined by needs of the water users and circumstances on the river
- c) Inspects head gates and measuring devices
- d) Assists with enforcement
 - 1. Closes, locks and tags diversions when instructed by S.E.
 - 2. Informally works with water user to encourage compliance
 - 3. Reports non-compliance to S.E.
- e) Prepares annual report to the State Engineer
 - 1. Report of water diverted to each water user
 - 2. Report of status of diversion structures, headgates, measuring devices along with recommendations for improvements